IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TENTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE A.GOPAL REDDY

WRIT PETITION No. 16394 of 2004

Between:

Smt.B.Ratnamma, W/o Chittappa,
R/o Gudipalli Village, H/o Kannepalli Village,
Brahmasamudram Mandal, Ananthapur District

..... PETITIONER

AND

1 The Revenue Divisional Officer, Dharmavaram Division,
Ananthapur District.
2 The Mandal Revenue Officer, Brahmasamudram Mandal,
Ananthapur District.

3 G.Kamalamma W/o G.Mahadeva, Konapuram village,

Brahmasamudram mandal, Ananthapur district.

(Respondent No.3 is impleaded as per Court Order

dated 10.11.2004 in W.P.M.P.No.23727 of 2004)

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court will be pleased to issue a Writ, Order or direction, more particularly one in the nature of Writ of Mandamus declaring the action of the respondents in convening the meeting of no confidence motion without following the procedure and without issuing notice as contemplated under Section 245 of A.P.Panchayat Raj Act 1995 and the rules framed in G.O.Ms.No.200 dated 28-4-1998, as arbitrary, illegal and in violation of principles of natural justice.

Counsel for the Petitioner : Mr.RAMA RAO GANTA
Counsel for Respondents 1&2: G.P. FOR PANCHAYAT RAJ & RURAL DEV.

Counsel for Respondent No.3: Mr.O.MANOHAR REDDY, ADVOCATE

The Court made the following :

ORDER:

Heard the learned counsel for petitioner and the learned Government Pleader for respondents.

Aggrieved by the action of the respondents in convening the meeting of no confidence motion against the petitioner without following the procedure and without issuing notice as contemplated under the rules, the present writ petiton is filed.

The learned counsel for petitioner submits that the petitioner was elected as President of Mandal Praja Parishad, Brahmasamudram mandal and was functioning as such, and while so, the respondents moved no confidence motion against the petitioner without issuing any notice as contemplated under the rules, but he came to know about the same through newspapers. The learned counsel for petitioner submits that as per Rule 3 of Rules relating to motion of no confidence as framed in G.O.Ms.No.200 dated 28.4.1998, the first respondent shall give a notice to every member of Mandal Praja Parishad in Form No.4 of Form No.5 of not less than 15 clear days of such proposed meeting and the service of notice is mandatory for convening a meeting of no confidence.

Per contra, the learned Government Pleader produced the record, which shows that the first respondent issued notice in Form-V under Section 245(1) of A.P. Panchayat Raj to the petitioner, which was served on the husband of the petitioner on 30.8.2004 where he affixed his signature in English. Whereas, in the reply affidavit filed by the petitioner, she disputes the signature of her husband on the notice and contends that her husband do not know English and he always sign in Telugu only.

Having regard to the facts and circumstances of the case, since the petitioner is aware of the no confidence motion moved on 14.9.2004 and except she, all the members have attended the meeting and passed the resolution, I see no grounds to

entertain the writ petition. The writ petition is accordingly dismissed. The result of the no confidence motion which was kept in abeyance pursuant to the orders of this Court dated 13.9.2004, may now be announced. No costs.

_____

A.GOPAL REDDY, J

Date: 10.11.2004

DA

To

1 The Revenue Divisional Officer, Dharmavaram Division,
Ananthapur District.
2 The Mandal Revenue Officer, Brahmasamudram Mandal,
Ananthapur District.

3 Two CCs to the G.P. for Panchayat Raj, High Court Buildings,

Hyderabad (OUT).

4 Two spare copies.